

REMARKS

Claims 21, 26-31, 33-36, 41, 44, 47, 53, 56-63 and 76-96 are in this case.

Applicant's attorney had two interviews with the Examiner. At the first interview (October 20, 2004) the Applicant's attorney pointed out that Applicant invented an improved lower cost version of his invention wherein instead of a series of cylindrical cells as shown in the drawings of this case; the "input," "filtering material" and "drain" could be incorporated in parallel contiguous layers rolled into a roll. In other words, an "input" layer may be a long strip of fabric. The "filtering material" may be a second long strip of fabric. Moreover, a "drain" may be a third long strip of fabric. The first of the three strips of fabric may be laid on a table. Next, the second strip is laid on top of the second strip. The third strip is then laid on top of the second strip. Finally, the three strips are rolled as a unit to form a roll. The Examiner and Applicant's attorney discussed the general substance of possible claims to cover this modification. Applicant later informally submitted the claims as new claims 76-94. The Examiner and the Attorney exchanged the prior art, as follows. Applicant's attorney referred the Examiner to a number of prior patents showing wrap type filters as follows:

Fogwell 2,742,160

Allart 3,807,570

Schmitt 4,752,396

Ruger 5,122,270

Ruger 5,269,921.

The Fogwell patent was first cited to the Examiner on or about May 17, 2004.

The other patents, cited above were first cited to the Examiner on or about April 15, 2002, see also August 15, 2002 when the PTO stamped Applicant's 1449 form.

The Examiner cited the following prior art:

Ricketts	431,128
Takarabe	4,708,792
Augustyniak	4,861,465
Colburn	5,160,039.

At the interview of November 16, 2004, claim 76 was the same as it is in this amendment except (a) instead of the word "distributing" the word was "feeding" and (b) the following words were added: "said drain * * * closed to the flow of said fluid." The Examiner suggested that "feeding" be changed to "distributing" which has been done.

The Examiner also wanted changes in claim 77. At the time of the interview, claim 77 read as follows:

77. (new) A filter as defined in claim 76, in which each of said cells and its layers are composed of pieces that are separate from the pieces composing each other said cell.

The Examiner said that there was no antecedent for the word "layers" in claim 77. The Applicant's change to the claim was for the purpose of providing the antecedent.

Claim 81 at the time of the interview read as follows:

81. (new) A filter as defined in claim 76, in which said fluid is a liquid and flows through the filter under the force of gravity,
each said filter cell having means for receiving the fluid flow path to said drain.

Applicant changed "liquid" in claim 81 to water voluntarily, and not in response to a suggestion of the Examiner.

The Examiner asked for a depending claim saying that the distributing means included a reservoir and claim 81 was revised accordingly. Applicant's attorney added the "said means ---" clause to carry out a suggestion by the Examiner.

Claim 82 at the time of the interview read as follows:

82. (new) A device for filtering a fluid, comprising:
a filter having two sides one of which is an input
side for receiving the fluid to be filtered and the
other of which sides is an output side for discharging
the filtered fluid,
said sides having a space between them,
said device including a first portion that extends
from one of said sides to the other of said sides in
said space,
said device also having a second portion surrounding
said first portion in said space,
each said portion receiving and filtering only a
separate part of the fluid to be filtered and including
filtering material that filters fluid passing through
such portion,
each said portion having a drain which receives the
filtered fluid and delivers it to said output side.

The Examiner wanted claim 82 to add the word "filtering" and to call for the "means for distributing" etc. This was done. The Examiner also wanted a more detailed recital of the drain and this was done.

In claim 84, Applicant's attorney has added the word "each", not in response to any requirement of the Examiner but to improve the grammar.

Claim 87 at the time of the interview read as follows:

87. (new) A device for filtering fluid as
defined in claim 86, in which the fluid to be
filtered is a liquid and said means includes
filtering material for filtering a liquid.

The change in claim 87 was made, not in response to a suggestion of the Examiner but to improve the language.

The last two lines of claim 76, lines 10-13 of claim 82 and the last two lines of claim 88, call for only a portion of the fluid to be filtered entering each cell, portion or layer; whereas the references cited by the Examiner (except for Augustyniak) have a single stream passing through the filter.

Claim 88 calls for third and fourth layers surrounding the first drain. This is new in this combination.

The depending claims describe patentable subject matter on their face.

Claim 76 will now be compared to Augustyniak 4,861,465 which shows a wrap filter 95 (Figs. 6 and 4) which is described in col. 4, lines 1-17 of the specification of the reference. This reference has the following elements of claim 76:

first and second filter cells each of which is a filter for said fluid and one of which cells surrounds the other in at least one plane,
each said filter cell having two sides, one of which sides is an input side and one of which is an output side,

In other words, each lap (360°) of the roll 95 of the reference patent is a separate cell within the meaning of the words "cell" in claim 76. This is especially true since depending claim 77 requires each cell to be a separate piece from the other whereas claim 76 is not so limited.

Augustyniak 4,861,465, however, does not have the "drain" or the "fluid flow path" of claim 76.

Claim 82 reads word for word on Augustyniak 4,861,465, except for the last five lines of the claim which calls for both an

open and a closed end of the drain.

With reference to claim 88, Augustyniak 4,861,465, does not have the following:

Lines 7, 8 of claim 88

Lines 9, 10 of claim 88

Lines 11 to 14 of claim 88

Lines 17 and 18 of claim 88.

Claims 95 and 96 are patentable since the prior art does not teach the various layers, recited in claim 95, plus their relation to each other.

Respectfully submitted,

A handwritten signature in cursive script, reading "William D. Hall". The signature is written in dark ink and is positioned above the typed name and title.

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